

1 BILL NO. G-96-11-42 (AS AMENDED)

2 GENERAL ORDINANCE NO. G-29-96

3 AN ORDINANCE AMENDING TITLE 15, CHAPTER 156:  
4 "SWIMMING POOLS AND BEACHES," SECTIONS 156.25,  
5 156.26, 156.27 and 156.32 OF THE CITY OF FORT  
6 WAYNE CODE OF ORDINANCES.

7 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
8 THE CITY OF FORT WAYNE, INDIANA:

9 Section 1. That Sections 156.25, 156.26, 156.27 and 156.32 of Chapter 156,  
10 Title 15 of the City of Fort Wayne, Indiana, Code of Ordinances be amended as follows:

11 Section 156.25 of Chapter 156, Title 15 of the City of Fort Wayne, Indiana, Code of  
12 Ordinances be amended as follows:

13 § 156.25 DEFINITIONS.

14 For the purpose of this subchapter, the following definitions shall be added and apply  
15 unless the context clearly indicates or requires a different meaning.

16 HOT TUB OR SPA means a hydrotherapy unit used primarily for therapeutic or  
17 relaxation purposes which is not drained, cleaned or refilled for each individual use.  
18 It does not apply to any hot tub or spa used in a medical treatment facility which is:

19 1. Under the direct supervision of qualified medical personnel; and

20 Drained after each use.

21 PUBLIC means used by persons other than the owner of a private single family  
22 residence, members of its household and house guests.

23 SWIMMING POOL shall mean any structure, basin, chamber, or tank containing a  
24 body of water for swimming, diving, therapeutic, or recreational bathing. "Swimming  
25 pool" shall also include hot tubs, spas, auxiliary structures including dressing and  
26 locker rooms, toilets, showers, and other areas and enclosures that are intended for  
27 the use of persons using the pool, but shall not include pools and auxiliary structures  
28 and equipment at private single family residences intended only for the use of the  
29 Owner, his household, and house guests.

30 Section 156.26 of Chapter 156, Title 15 of the City of Fort Wayne, Indiana, Code of  
Ordinances be amended as follows:

§ 156.26 PERMIT REQUIREMENTS

Nothing in this ordinance shall be construed as applying to any swimming, wading  
pool, hot tub or spa maintained by an individual for the sole use of his household  
and house guests or to a pool in a hospital or health facility approved by the  
State Board of Health, which pool is used for individual therapy only and is



drained and filled prior to each individual use.

Hot tubs or spas which are operated and equipped with a separate filtration system shall be subject to an annual permit fee of Four Hundred Dollars (\$400.00) which shall be submitted with the initial or annual permit renewal application.

(H) In addition, a fee of fifty dollars (\$50.00) is to be paid for each additional swimming pool, hot tub or spa operated by the same Owner at the same address which is equipped with separate filtration and disinfection systems.

Section 156.27 of Chapter 156, Title 15 of the City of Fort Wayne, Indiana, Code of Ordinances be amended as follows:

**§156.27 CONSTRUCTION, SANITATION, AND OPERATION REQUIREMENTS**

(D) The continued use of a wooden hot tub or spa which was installed prior to the effective date of this rule shall be permitted provided that it is maintained in a sanitary condition. The installation of a wooden hot tub or spa after the effective date of this rule shall not be permitted.

(E) A pool that does not meet the applicable bacteriological quality standards enumerated in Rule 4.10 IAC 6-2 and Rule 675 IAC 20, as amended, shall be deemed a health hazard and shall constitute grounds for closure.

(F) Bacteriological sampling shall start at least three days prior to the opening of a swimming pool.

(G) All circulated water in a spa and hot tub shall go through a filtration system and an erosion type mechanical chemical feeder prior to injection into the spa or hot tub.

(H) When chlorine is used in a spa or hot tub, a free chlorine residual of at least three (3.0) mg/l shall be maintained throughout the spa or hot tub water. When other halogens are used, residuals of equivalent disinfecting strength shall be maintained. When other residue disinfectant level falls below the minimum designated level, the public spa or hot tub shall be closed and kept free of bathers until the minimum level has been restored.

(I) The temperature of a spa or hot tub shall not exceed one hundred four degrees fahrenheit (104F.) or forty degrees celsius (40C.) A thermometer capable of accurately measuring temperatures in the range of eighty degrees fahrenheit (80F.) or twenty seven degrees celsius (27C.) to one hundred twenty degrees fahrenheit (120F.) or forty nine degrees celsius (49C.) shall be provided at each spa or hot tub facility. The thermostat controlling the water temperatures of a spa or hot tub shall be located in such a way that it cannot be adjusted by customers while seated in the spa or hot tub.

(J) Visible dirt at the bottom of a spa or hot tub shall be removed every twenty four hours or more frequently as required. Scum or floating matter on a spa or hot tub surface shall be removed continuously by skimming, flushing, or other effective means. A spa or hot tub shall be drained and scrubbed with a disinfectant agent at least once every two weeks or more frequently if there are indications of poor water quality or clarity. The deck and cover of a spa





AN ORDINANCE AMENDING TITLE 15, CHAPTER 156:  
"SWIMMING POOLS AND BEACHES," SECTIONS 156.25,  
156.26, 156.27 and 156.32 OF THE CITY OF FORT WAYNE  
CODE OF ORDINANCES.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

**Section 1.** That Sections 156.25, 156.26, 156.27 and 156.32 of Chapter 156,  
Title 15 of the City of Fort Wayne, Indiana, Code of Ordinances be amended as follows:

Section 156.25 of Chapter 156, Title 15 of the City of Fort Wayne, Indiana, Code of Ordinances  
be amended as follows:

**§ 156.25 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall be added and apply  
unless the context clearly indicates or requires a different meaning.

**HOT TUB OR SPA** means a hydrotherapy unit used primarily for therapeutic or  
relaxation purposes which is not drained, cleaned or refilled for each individual use. It  
does not apply to any hot or spa used in a medical treatment facility which is:

1. Under the direct supervision of qualified medical personnel; and
2. Drained after each use.

**PUBLIC** means used by persons other than the owner of a private single family  
residence, members of its household and house guests.

**SWIMMING POOL** shall mean any structure, basin, chamber, or tank containing a  
body of water for swimming, diving, therapeutic, or recreational bathing. "Swimming  
pool" shall also include hot tubs, spas, auxiliary structures including dressing and locker  
rooms, toilets, showers, and other areas and enclosures that are intended for the use  
of persons using the pool, but shall not include pools and auxiliary structures and  
equipment at private single family residences intended only for the use of the Owner,  
his household, and house guests.

Section 156.26 of Chapter 156, Title 15 of the City of Fort Wayne, Indiana, Code of Ordinances  
be amended as follows:

**§ 156.26 PERMIT REQUIREMENTS**

- (A) Nothing in this ordinance shall be construed as applying to any swimming, wading  
pool, hot tub or spa maintained by an individual for the sole use of his household  
and house guests or to a pool in a hospital or health facility approved by the State  
Board of Health, which pool is used for individual therapy only and is drained and

AN ORDINANCE AMENDING TITLE 15, CHAPTER 156:  
"SWIMMING POOLS AND BEACHES," SECTIONS 156.25,  
156.26 and 156.27 OF THE CITY OF FORT WAYNE CODE  
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NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
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**Section 1.** That Sections 156.25, 156.26 and 156.27 of Chapter 156, Title 15  
of the City of Fort Wayne, Indiana, Code of Ordinances be amended as follows:

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be amended as follows:

**§ 156.25 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall be added and apply  
unless the context clearly indicates or requires a different meaning.

**HOT TUB OR SPA** means a hydrotherapy unit used primarily for therapeutic or  
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of persons using the pool, but shall not include pools and auxiliary structures and  
equipment at private single family residences intended only for the use of the Owner,  
his household, and house guests.

Section 156.26 of Chapter 156, Title 15 of the City of Fort Wayne, Indiana, Code of Ordinances  
be amended as follows:

**§ 156.26 PERMIT REQUIREMENTS**

- (A) Nothing in this ordinance shall be construed as applying to any swimming, wading  
pool, hot tub or spa maintained by an individual for the sole use of his household  
and house guests or to a pool in a hospital or health facility approved by the State  
Board of Health, which pool is used for individual therapy only and is drained and  
filled prior to each individual use.
- (E) Hot tubs or spas which are operated and equipped with a separate filtration system  
shall be subject to an annual permit fee of Four Hundred Dollars (\$400.00) which  
shall be submitted with the initial or annual permit renewal application.
- (H) In addition, a fee of fifty dollars (\$50.00) is to be paid for each additional swimming  
pool, hot tub or spa operated by the same Owner at the same address which is  
equipped with separate filtration and disinfection systems.



filled prior to each individual use.

(E) Hot tubs or spas which are operated and equipped with a separate filtration system shall be subject to an annual permit fee of Four Hundred Dollars (\$400.00) which shall be submitted with the initial or annual permit renewal application.

(H) In addition, a fee of fifty dollars (\$50.00) is to be paid for each additional swimming pool, hot tub or spa operated by the same Owner at the same address which is equipped with separate filtration and disinfection systems.

Section 156.27 of Chapter 156, Title 15 of the City of Fort Wayne, Indiana, Code of Ordinances be amended as follows:

**§156.27 CONSTRUCTION, SANITATION, AND OPERATION REQUIREMENTS**

(D) The continued use of a wooden hot tub or spa which was installed prior to the effective date of this rule shall be permitted provided that it is maintained in a sanitary condition. The installation of a wooden hot tub or spa after the effective date of this rule shall not be permitted.

(E) A pool that does not meet the applicable bacteriological quality standards enumerated in Rule 4.10 IAC 6-2 and Rule 675 IAC 20, as amended, shall be deemed a health hazard and shall constitute grounds for closure.

(F) Bacteriological sampling shall start at least three days prior to the opening of a swimming pool.

(G) All circulated water in a spa and hot tub shall go through a filtration system and an erosion type mechanical chemical feeder prior to injection into the spa or hot tub.

(H) When chlorine is used in a spa or hot tub, a free chlorine residual of at least three (3.0) mg/l shall be maintained throughout the spa or hot tub water. When other halogens are used, residuals of equivalent disinfecting strength shall be maintained. When other residue disinfectant level falls below the minimum designated level, the public spa or hot tub shall be closed and kept free of bathers until the minimum level has been restored.

(I) The temperature of a spa or hot tub shall not exceed one hundred four degrees fahrenheit (104F.) or forty degrees celsius (40C.) A thermometer capable of accurately measuring temperatures in the range of eighty degrees fahrenheit (80F.) or twenty seven degrees celsius (27C.) to one hundred twenty degrees fahrenheit (120F.) or forty nine degrees celsius (49C.) shall be provided at each spa or hot tub facility. The thermostat controlling the water temperatures of a spa or hot tub shall be located in such a way that it cannot be adjusted by customers while seated in the spa or hot tub.

(J) Visible dirt at the bottom of a spa or hot tub shall be removed every twenty four hours or more frequently as required. Scum or floating matter on a spa or hot tub surface shall be removed continuously by skimming, flushing, or other effective means. A spa or hot tub shall be drained and scrubbed with a disinfectant agent at least once every two weeks or more frequently if there are indications of poor water quality or clarity. The deck and cover of a spa or hot tub shall be cleaned and scrubbed with a disinfecting agent at least once every

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**§ 156.32 SUPERVISION.**

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**Section 2.** That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor and due legal publication thereof.

Council Member

APPROVED AS TO FORM  
AND LEGALITY

J. TIMOTHY McCAULAY, CITY ATTORNEY



AN ORDINANCE AMENDING TITLE 15, CHAPTER 156:  
"SWIMMING POOLS AND BEACHES," SECTIONS 156.25,  
156.26 and 156.27 OF THE CITY OF FORT WAYNE CODE  
OF ORDINANCES.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

**Section 1.** That Sections 156.25, 156.26 and 156.27 of Chapter 156, Title 15  
of the City of Fort Wayne, Indiana, Code of Ordinances be amended as follows:

Section 156.25 of Chapter 156, Title 15 of the City of Fort Wayne, Indiana, Code of Ordinances  
be amended as follows:

**§ 156.25 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall be added and apply  
unless the context clearly indicates or requires a different meaning.

**HOT TUB OR SPA** means a hydrotherapy unit used primarily for therapeutic or  
relaxation purposes which is not drained, cleaned or refilled for each individual use. It  
does not apply to any hot or spa used in a medical treatment facility which is:

1. Under the direct supervision of qualified medical personnel; and
2. Drained after each use.

**PUBLIC** means used by persons other than the owner of a private single family  
residence, members of its household and house guests.

**SWIMMING POOL** shall mean any structure, basin, chamber, or tank containing a  
body of water for swimming, diving, therapeutic, or recreational bathing. "Swimming  
pool" shall also include hot tubs, spas, auxiliary structures including dressing and locker  
rooms, toilets, showers, and other areas and enclosures that are intended for the use  
of persons using the pool, but shall not include pools and auxiliary structures and  
equipment at private single family residences intended only for the use of the Owner,  
his household, and house guests.

Section 156.26 of Chapter 156, Title 15 of the City of Fort Wayne, Indiana, Code of Ordinances  
be amended as follows:

**§ 156.26 PERMIT REQUIREMENTS**

- (A) Nothing in this ordinance shall be construed as applying to any swimming, wading  
pool, hot tub or spa maintained by an individual for the sole use of his household  
and house guests or to a pool in a hospital or health facility approved by the State  
Board of Health, which pool is used for individual therapy only and is drained and  
filled prior to each individual use.
- (E) Hot tubs or spas which are operated and equipped with a separate filtration system  
shall be subject to an annual permit fee of Four Hundred Dollars (\$400.00) which  
shall be submitted with the initial or annual permit renewal application.
- (H) In addition, a fee of fifty dollars (\$50.00) is to be paid for each additional swimming  
pool, hot tub or spa operated by the same Owner at the same address which is  
equipped with separate filtration and disinfection systems.



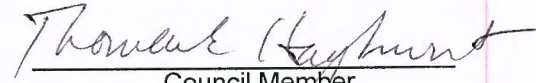
Section 156.27 of Chapter 156, Title 15 of the City of Fort Wayne, Indiana, Code of Ordinances be amended as follows:

**§156.27 CONSTRUCTION, SANITATION, AND OPERATION REQUIREMENTS**

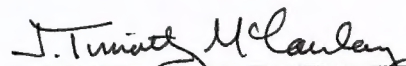
- (D) The continued use of a wooden hot tub or spa which was installed prior to the effective date of this rule shall be permitted provided that it is maintained in a sanitary condition. The installation of a wooden hot tub or spa after the effective date of this rule shall not be permitted.
- (E) A pool that does not meet the applicable bacteriological quality standards enumerated in Rule 4.10 IAC 6-2 and Rule 675 IAC 20, as amended, shall be deemed a health hazard and shall constitute grounds for closure.
- (F) Bacteriological sampling shall start at least three days prior to the opening of a swimming pool.
- (G) All circulated water in a spa and hot tub shall go through a filtration system and an erosion type mechanical chemical feeder prior to injection into the spa or hot tub.
- (H) When chlorine is used in a spa or hot tub, a free chlorine residual of at least three (3.0) mg/l shall be maintained throughout the spa or hot tub water. When other halogens are used, residuals of equivalent disinfecting strength shall be maintained. When other residue disinfectant level falls below the minimum designated level, the public spa or hot tub shall be closed and kept free of bathers until the minimum level has been restored.
- (I) The temperature of a spa or hot tub shall not exceed one hundred four degrees fahrenheit (104F.) or forty degrees celsius (40C.) A thermometer capable of accurately measuring temperatures in the range of eighty degrees fahrenheit (80F.) or twenty seven degrees celsius (27C.) to one hundred twenty degrees fahrenheit (120F.) or forty nine degrees celsius (49C.) shall be provided at each spa or hot tub facility. The thermostat controlling the water temperatures of a spa or hot tub shall be located in such a way that it cannot be adjusted by customers while seated in the spa or hot tub.
- (J) Visible dirt at the bottom of a spa or hot tub shall be removed every twenty four hours or more frequently as required. Scum or floating matter on a spa or hot tub surface shall be removed continuously by skimming, flushing, or other effective means. A spa or hot tub shall be drained and scrubbed with a disinfectant agent at least once every two weeks or more frequently if there are indications of poor water quality or clarity. The deck and cover of a spa or hot tub shall be cleaned and scrubbed with a disinfecting agent at least once every week. Such disinfecting agent shall be compatible with other pool chemicals used and have a concentration when applied which is equivalent to one hundred (100) mg/l available chlorine.
- (K) Daily operating records shall be maintained and recorded each day while the spa or hot tub is open for use. It shall include the following: total bather loads, water temperature, volume of fresh water added, operating periods of recirculating pumps and filters and corresponding rate of flow meter readings, amounts and types of chemicals used, disinfectant residual, pH readings, maintenance and malfunction of equipment, if any, results of bacteriological examinations and reports of accidents, injuries, illness or complaints related to

spa or hot tub operation. Operators shall keep daily operating records for a minimum of one year. Daily operating records shall be open to inspection by the Health Commissioner and weekly summaries of these records shall be submitted to the Department on forms prepared by the Health Commissioner.

**Section 2.** That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor and due legal publication thereof.

  
Council Member

APPROVED AS TO FORM  
AND LEGALITY

  
J. TIMOTHY McCAULAY, CITY ATTORNEY





# The City of Fort Wayne

Paul Helmke, Mayor

## Memorandum

To: MEMBERS OF COMMON COUNCIL  
From: J. TIMOTHY MCCAULAY, CORPORATION COUNSEL  
Date: November 19, 1996  
Re: ORDINANCE AMENDING TITLE 15, CHAPTER 156; "SWIMMING POOLS AND BEACHES," SECTIONS 156.25, 156.26 AND 156.27.

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Over the last year, the Board of Public Health has received numerous complaints pertaining to the lack of maintenance and unsanitary conditions of public spas and hot tubs. The existing ordinance will be amended to set regulations and acceptable standards for the operation of public spas and hot tubs.

**DIGEST SHEET**

**TITLE OF ORDINANCE** GENERAL ORDINANCE

**DEPARTMENT REQUESTING ORDINANCE** LAW DEPARTMENT/BOARD OF  
HEALTH

**SYNOPSIS OF ORDINANCE** AMENDS TITLE 15, CHAPTER 156: "SWIMMING  
POOLS AND BEACHES," SECTIONS 156.25, 156.26 AND 156.27 OF THE CITY OF  
FORT WAYNE CODE OF ORDINANCES. SETS OPERATION STANDARDS AND  
PERMIT REQUIREMENTS FOR PUBLIC SPAS AND HOT TUBS.

**EFFECT OF PASSAGE** CHAPTER 156 OF THE CODE OF ORDINANCES IS  
AMENDED.

**EFFECT OF NON-PASSAGE** CODE OF ORDINANCES IS NOT AMENDED.

**MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS)** \_\_\_\_\_

**ASSIGNED TO COMMITTEE (PRESIDENT)** \_\_\_\_\_



Read the first time in full and on motion by Way Hurst,  
and duly adopted, read the second time by title and referred to the  
Committee on Regulations (and the City Plan Commission  
for recommendation) and Public Hearing to be held after due legal notice, at  
the Common Council Conference Room 128, City County Building, Fort  
Wayne,, Indiana, on \_\_\_\_\_, 19\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_  
M., E.S.T.

DATED: 11-26-96

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Way Hurst,  
and duly adopted, placed on its passage. PASSED  
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT:
TOTAL VOTES	<u>9</u>			
BENDER	<u>✓</u>			
CRAWFORD	<u>✓</u>			
EDMONDS	<u>✓</u>			
HALL	<u>✓</u>			
HAYHURST	<u>✓</u>			
HENRY	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			

DATED: 12-3-96

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) \_\_\_\_\_ (APPROPRIATION) \_\_\_\_\_ (GENERAL) \_\_\_\_\_

(SPECIAL) \_\_\_\_\_ (ZONING) \_\_\_\_\_ ORDINANCE \_\_\_\_\_ RESOLUTION NO. D-29-96  
on the 3rd day of December, 1996

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

DD Schuman  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 4th day of December, 1996,  
at the hour of 11:45 o'clock A.M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 5th day of December,  
1996, at the hour of 3:30 o'clock P.M., E.S.T.

PAUL HELMKE  
PAUL HELMKE, MAYOR

BILL NO. G-96-11-42 *(as amended)*

REPORT OF THE COMMITTEE ON  
REGULATIONS  
REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR  
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending Title 15, Chapter 156;  
"Swimming Pools and Beaches"

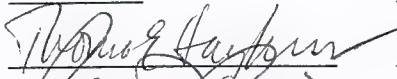




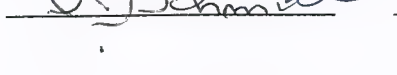
HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) ~~(RESOLUTION)~~

DO PASS

DO NOT PASS

ABSTAIN

NO REC

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DATED: 12-3-96

Sandra E. Kennedy  
City Clerk





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

December 12, 1996

Ms. Connie Lambert  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of December 16, 1996, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. G-96-11-42 (as amended)  
Swimming Pools and Beaches

Bill No. G-96-11-47 (as amended)  
(as amended)  
Public Assemblies, Parades,  
Neighborhood Association Parades  
and Block Parties

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

  
Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL: 2

LEGAL NOTICE

Notice is hereby given that on the 3rd day of  
December, 19 96, the Common Council of the City  
of Fort Wayne, Indiana, in a Special Session did pass  
the following Bill No. G-96-11-42 (as amended) General  
Ordinance No. G-29-96 to-wit:

**BILL NO. G-96-11-42 (AS AMENDED)**

**GENERAL ORDINANCE NO. G-29-96**

**AN ORDINANCE AMENDING TITLE 15, CHAPTER 156:  
"SWIMMING POOLS AND BEACHES," SECTIONS 156.25,  
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THE CITY OF FORT WAYNE, INDIANA:**

**Section 1.** That Sections 156.25, 156.26, 156.27 and 156.32 of Chapter 156,  
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Section 156.25 of Chapter 156, Title 15 of the City of Fort Wayne, Indiana, Code of  
Ordinances be amended as follows:

**§ 156.25 DEFINITIONS.**

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unless the context clearly indicates or requires a different meaning.

**HOT TUB OR SPA** means a hydrotherapy unit used primarily for therapeutic or  
relaxation purposes which is not drained, cleaned or refilled for each individual use.  
It does not apply to any hot tub or spa used in a medical treatment facility which is:

1. Under the direct supervision of qualified medical personnel; and

Drained after each use.

**PUBLIC** means used by persons other than the owner of a private single family  
residence, members of its household and house guests.

**SWIMMING POOL** shall mean any structure, basin, chamber, or tank containing a  
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the use of persons using the pool, but shall not include pools and auxiliary structures  
and equipment at private single family residences intended only for the use of the  
Owner, his household, and house guests.

Section 156.26 of Chapter 156, Title 15 of the City of Fort Wayne, Indiana, Code of  
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**§ 156.26 PERMIT REQUIREMENTS**

Nothing in this ordinance shall be construed as applying to any swimming, wading  
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State Board of Health, which pool is used for individual therapy only and is



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Hot tubs or spas which are operated and equipped with a separate filtration system shall be subject to an annual permit fee of Four Hundred Dollars (\$400.00) which shall be submitted with the initial or annual permit renewal application.

(H) In addition, a fee of fifty dollars (\$50.00) is to be paid for each additional swimming pool, hot tub or spa operated by the same Owner at the same address which is equipped with separate filtration and disinfection systems.

Section 156.27 of Chapter 156, Title 15 of the City of Fort Wayne, Indiana, Code of Ordinances be amended as follows:

**§156.27 CONSTRUCTION, SANITATION, AND OPERATION REQUIREMENTS**

(D) The continued use of a wooden hot tub or spa which was installed prior to the effective date of this rule shall be permitted provided that it is maintained in a sanitary condition. The installation of a wooden hot tub or spa after the effective date of this rule shall not be permitted.

(E) A pool that does not meet the applicable bacteriological quality standards enumerated in Rule 4.10 IAC 6-2 and Rule 675 IAC 20, as amended, shall be deemed a health hazard and shall constitute grounds for closure.

(F) Bacteriological sampling shall start at least three days prior to the opening of a swimming pool.

(G) All circulated water in a spa and hot tub shall go through a filtration system and an erosion type mechanical chemical feeder prior to injection into the spa or hot tub.

(H) When chlorine is used in a spa or hot tub, a free chlorine residual of at least three (3.0) mg/l shall be maintained throughout the spa or hot tub water. When other halogens are used, residuals of equivalent disinfecting strength shall be maintained. When other residue disinfectant level falls below the minimum designated level, the public spa or hot tub shall be closed and kept free of bathers until the minimum level has been restored.

(I) The temperature of a spa or hot tub shall not exceed one hundred four degrees fahrenheit (104F.) or forty degrees celsius (40C.) A thermometer capable of accurately measuring temperatures in the range of eighty degrees fahrenheit (80F.) or twenty seven degrees celsius (27C.) to one hundred twenty degrees fahrenheit (120F.) or forty nine degrees celsius (49C.) shall be provided at each spa or hot tub facility. The thermostat controlling the water temperatures of a spa or hot tub shall be located in such a way that it cannot be adjusted by customers while seated in the spa or hot tub.

(J) Visible dirt at the bottom of a spa or hot tub shall be removed every twenty four hours or more frequently as required. Scum or floating matter on a spa or hot tub surface shall be removed continuously by skimming, flushing, or other effective means. A spa or hot tub shall be drained and scrubbed with a disinfectant agent at least once every two weeks or more frequently if there are indications of poor water quality or clarity. The deck and cover of a spa

or hot tub shall be cleaned and scrubbed with a disinfecting agent at least once every week. Such disinfecting agent shall be compatible with other pool chemicals used and have a concentration when applied which is equivalent to one hundred (100) mg/l available chlorine.

Daily operating records shall be maintained and recorded each day while the spa or hot tub is open for use. It shall include the following: total bather loads, water temperature, volume of fresh water added, operating periods of recirculating pumps and filters and corresponding rate of flow meter readings, amounts and types of chemicals used, disinfectant residual, pH readings, maintenance and malfunction of equipment, if any, results of bacteriological examinations and reports of accidents, injuries, illness or complaints related to spa or hot tub operation. Operators shall keep daily operating records for a minimum of one year. Daily operating records shall be open to inspection by the Health Commissioner and weekly summaries of these records shall be submitted to the Department on forms prepared by the Health Commissioner.

Section 156.32 of Chapter 156, Title 15 of the City of Fort Wayne, Indiana, Code of Ordinances be amended as follows:

§ 156.32 SUPERVISION.

© The supervision requirements of 156.32 shall not be applicable in those situations where a hot tub or spa exists independently without an associated swimming pool.

Section 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor and due legal publication thereof.

Thomas E. Hayhurst  
Council Member

Read the third time in full and on motion by Hayhurst, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bender, Crawford, Edmonds, Hall, Hayhurst,  
Henry, Lunsey, Ravine, Schmidt  
NAYS: None  
ABSENT: None  
ABSTAINED: None

DATED: 12-3-96 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-29-96 on the 3rd day of December, 1996

ATTEST

SEAL

Sandra E. Kennedy  
City Clerk

D.J. Schmidt  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 4th day of December, 1996, at the hour of 11:45 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1996, at the hour of 3:30 o'clock P.M., E.S.T.

Paul Helmke  
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-29-96, passed by the Common Council on the 3rd day of December, 1996, and that said Ordinance was duly signed and approved by the Mayor on the 5th day of



PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

245

 lines, 

1

 columns wide equals 

245

 equivalent lines

at 

.346

 cents per line

\$ 

84.77

Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

\$ 

1.00

TOTAL AMOUNT OF CLAIM

\$ 

85.77

DATA FOR COMPUTING COST

Width of single column 

12.5

 ems

Number of insertions 

1

Size of type 

6

 point

Notice is hereby given that on the 3rd day of December 1996, the Common Council of the City of Fort Wayne, Indiana, in a Special Session did pass the following Bill No. G-96-11-42 (as amended) General Ordinance No. G-29-96 to-wit:

ILL NO. G-96-11 42 (AS AMENDED)  
GENERAL ORDINANCE NO. G-29-96

N ORDINANCE AMENDING TITLE 15, CHAPTER 156: "SWIMMING POOLS AND BEACHES," SECTIONS 156.25, 156.26, 156.27 and 156.32 OF THE CITY OF FORT WAYNE CODE OF ORDINANCES.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That Sections 156.25, 156.26, 156.27 and 156.32 of Chapter 156, Title 15 of the City of Fort Wayne, Indiana, Code of Ordinances be amended as follows:

Section 156.25 of Chapter 156, Title 15 of the City of Fort Wayne, Indiana, Code of Ordinances be amended as follows:

Sub-Section 156.25 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall be added and apply unless the context clearly indicates or requires a different meaning.  
HOT TUB OR SPA means a hydrotherapy unit used primarily for therapeutic or relaxation purposes which is not drained, cleaned or refilled for each individual use. It does not apply to any hot tub or spa used in a medical treatment facility which is:

1. Under the direct supervision of qualified medical personnel; and

2. Drained after each use.

PUBLIC means used by persons other than the owner of a private single family residence, members of his household and house guests.

SWIMMING POOL shall mean any structure, basin, hamper, or tank containing a body of water for swimming, diving, therapeutic, or recreational bathing. "Swimming pool" shall also include hot tubs, spas, auxiliary structures including dressing and locker rooms, toilets, showers, and other areas and enclosures that are intended for the use of persons using the pool, but shall not include pools and auxiliary structures and equipment at private single family residences intended only for the use of the Owner, his household, and house guests.

Section 156.26 of Chapter 156, Title 15 of the City of Fort Wayne, Indiana, Code of Ordinances be amended as follows:

Sub Section 156.26 PERMIT REQUIREMENTS

Nothing in this ordinance shall be construed as applying to any swimming, wading pool, hot tub or spa maintained by an individual for the sole use of his household and house guests or to a pool in a hospital or health facility approved by the State Board of Health, which pool is used for individual therapy only and is drained and filled prior to each individual use.

Hot tubs or spas which are operated and equipped with a separate filtration system shall be subject to an annual permit fee of Four Hundred Dollars (\$400.00) which shall be submitted with the initial annual permit renewal application.

(H) In addition, a fee of fifty dollars (\$50.00) is to be paid for each additional swimming pool, hot tub or spa operated by the same Owner at the same address which is equipped with separate filtration and disinfection systems.

Section 156.27 of Chapter 156, Title 15 of the City of Fort Wayne, Indiana, Code of Ordinances be amended as follows:

Sub Section 156.27 CONSTRUCTION, SANITATION, AND OPERATION REQUIREMENTS

(D) The continued use of a wooden hot tub or spa which was installed prior to the effective date of this rule shall be Permitted provided that it is maintained in a sanitary condition. The installation of a wooden hot tub or spa after the effective date of this rule shall not be permitted.

(E) A pool that does not meet the applicable bacteriological quality standards enumerated in Rule 4.10 IAC 6-2 and Rule 675 IAC 20, as amended, shall be deemed a health hazard and shall constitute grounds for closure.

(F) Bacteriological sampling shall start at least three days prior to the opening of a swimming pool.  
#329813(PART 1 OF 2) #223

(G) All circulated water in a spa and hot tub shall go through a filtration system and an erosion type mechanical chemical feeder prior to injection into the spa or hot tub.

(H) When chlorine is used in a spa or hot tub, a free chlorine residual of at least three (3.0) mg/l shall be maintained throughout the spa or hot tub water. When other halogens are used, residuals of equivalent disinfecting strength shall be maintained. When other residue disinfectant level falls below the minimum designated level, the public spa or hot tub shall be closed and kept free of bathers until the minimum level has been restored.

(I) The temperature of a spa or hot tub shall not exceed one hundred four degrees fahrenheit (104F) or forty degrees celsius (40C). A thermometer capable of accurately measuring temperatures in the range of eighty degrees fahrenheit (80F) or twenty seven degrees celsius (27C) to one hundred twenty degrees fahrenheit (120F) or forty nine degrees celsius (49C) shall be provided at each spa or hot tub facility. The thermostat controlling the water temperatures of a spa or hot tub shall be located in such a way that it cannot be adjusted by customers while seated in the spa or hot tub.

(J) Visible dirt at the bottom of a spa or hot tub shall be removed every twenty four hours or more frequently as required. Scum or floating matter on a spa or hot tub surface shall be removed continuously by skimming, flushing, or other effective means. A spa or hot tub shall be drained and scrubbed with a disinfectant agent at least once every two weeks or more frequently if there are indications of poor water quality or clarity. The deck and cover of a spa or hot tub shall be cleaned and scrubbed with a disinfecting agent at least once every week. Such disinfecting agent shall be compatible with other pool chemicals used and have a concentration when applied which is equivalent to one hundred (100) mg/l available chlorine.

Daily operating records shall be maintained and recorded each day while the spa or hot tub is open for use. It shall include the following: total bather loads, water temperature, volume of fresh water added, operating periods of recirculating pumps and filters and corresponding rate of flow meter readings, amounts and types of chemicals used, disinfectant level, pH readings, maintenance and malfunction of equipment, if any, results of bacteriological examinations and reports of accidents, injuries, illness or complaints related to spa or hot tub operation. Operators shall keep daily operating records for a minimum of one year. Daily operating records shall be open to inspection by the Health Commissioner and weekly summaries of these records shall be submitted to the Department on forms prepared by the Health Commissioner.

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Section 156.32 of Chapter 156, Title 15 of the City of Fort Wayne, Indiana, Code of Ordinances be amended as follows:

Sub section 156.32 SUPERVISION.

The supervision requirements of 156.32 shall not be applicable in those situations where a hot tub or spa exists independently without an associated swimming pool.

Section 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor and due legal publication thereof.

Thomas E. Hayhurst  
Council Member

Read the third time in full and on motion by Hayhurst, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bender, Crawford, Edmonds, Hall, Hayhurst, Henry, Lunsey, Ravine, Schmidt  
NAYS: None  
ABSENT: None  
ABSTAINED: None  
DATED: 12-3-96

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-29-96 on the 3rd day of December, 1996.

ATTEST

Sandra E. Kennedy  
City Clerk

D.J. Schmidt  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 4th day of December, 1996, at the hour of 11:45 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1996, at the hour of 3:30 o'clock P.M., E.S.T.

Paul Helmke  
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance G-29-96, passed by the Common Council on the 3rd day of December, 1996, and that said Ordinance was duly signed and approved by the Mayor on the 5th day of December, 1996, and now remains on file and on record in my office.

WITNESS my hand and official seal of the City of Fort Wayne, Indiana, this 5th day of December, 1996.

SANDRA E. KENNEDY, CITY CLERK  
#329813 (PART 2 OF 2) #223

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FW COMMON COUNCIL

(Governmental Unit)

To: The Journal-Gazette Dr.P.O. Box 100Fort Wayne, INALLEN

County, Indiana

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

## COMPUTATION OF CHARGES

245 lines, 1 columns wide equals 245 equivalent lines  
at .346 cents per line

\$ 84.77

Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 85.77

## DATA FOR COMPUTING COST

Width of single column 12.5 emsNumber of insertions 1Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: DEC 16, 19 96Title: Clerk

## PUBLISHER'S AFFIDAVIT

State of Indiana )  
 ) ss:  
Allen County )

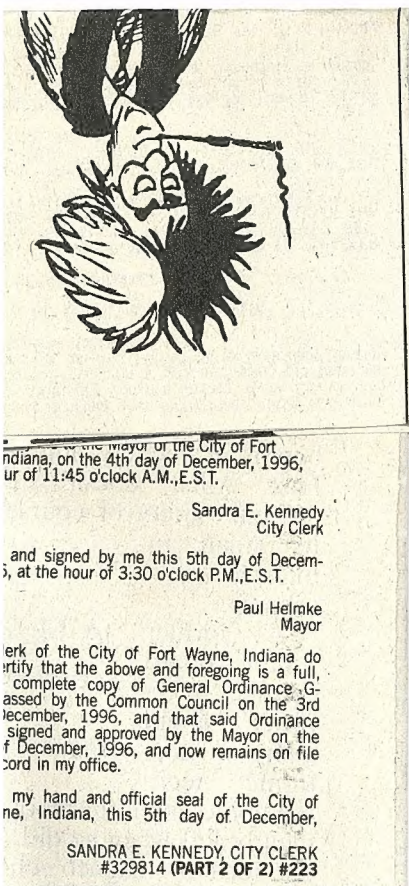
Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L SMITH who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time \_\_\_\_\_, the dates of publication being as follows:

12-16-96Subscribed and sworn to before me this 16th day of DEC, 19 96.

Notary Public

My commission expires:

MARY L SCHNEIDER  
NOTARY PUBLIC STATE OF INDIANA  
ALLEN COUNTY  
MY COMMISSION EXP JUNE 14, 1997





## LEGAL NOTICE

Notice is hereby given that on the 3rd day of December 1996, the Common Council of the City of Fort Wayne, Indiana, in a Special Session did pass the following Bill No. G-96-11-42 (as amended) General Ordinance No. G-29-96 to-wit:

BILL NO. G-96-11 42 (AS AMENDED)

GENERAL ORDINANCE NO. G-29-96

AN ORDINANCE AMENDING TITLE 15, CHAPTER 156, "SWIMMING POOLS AND BEACHES," SECTIONS 156.25, 156.26, 156.27 and 156.32 OF THE CITY OF FORT WAYNE CODE OF ORDINANCES.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That Sections 156.25, 156.26, 156.27 and 156.32 of Chapter 156, Title 15 of the City of Fort Wayne, Indiana, Code of Ordinances be amended as follows:

Section 156.25 of Chapter 156, Title 15 of the City of Fort Wayne, Indiana, Code of Ordinances be amended as follows:

Sub-Section 156.25 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall be added and apply unless the context clearly indicates or requires a different meaning.

HOT TUB OR SPA means a hydrotherapy unit used Primarily for therapeutic or relaxation purposes which is not drained, cleaned or refilled for each individual use. It does not apply to any hot tub or spa used in a medical treatment facility which is:

1. Under the direct supervision of qualified medical personnel; and

Drained after each use.

PUBLIC means used by persons other than the owner of a private single family residence, members of its household and house guests.

SWIMMING POOL shall mean any structure, basin, chamber, or tank containing a body of water for swimming, diving, therapeutic, or recreational bathing. "Swimming pool" shall also include hot tubs, spas, auxiliary structures including dressing and locker rooms, toilets, showers, and other areas and enclosures that are intended for the use of persons using the pool, but shall not include pools and auxiliary structures and equipment at private single family residences intended only for the use of the Owner, his household, and house guests.

Section 156.26 of Chapter 156, Title 15 of the City of Fort Wayne, Indiana, Code of Ordinances be amended as follows:

Sub Section 156.26 PERMIT REQUIREMENTS

Nothing in this ordinance shall be construed as applying to any swimming, wading pool, hot tub or spa maintained by an individual for the sole use of his household and house guests or to a pool in a hospital or health facility approved by the State Board of Health, which pool is used for individual therapy only and is drained and filled prior to each individual use.

Hot tubs or spas which are operated and equipped with a separate filtration system shall be subject to an annual permit fee of Four Hundred Dollars (\$400.00) which shall be submitted with the initial or annual permit renewal application.

(H) In addition, a fee of fifty dollars (\$50.00) is to be paid for each additional swimming pool, hot tub or spa operated by the same Owner at the same address which is equipped with separate filtration and disinfection systems.

Section 156.27 of Chapter 156, Title 15 of the City of Fort Wayne, Indiana, Code of Ordinances be amended as follows:

Sub-Section 156.27 CONSTRUCTION, SANITATION, AND OPERATION REQUIREMENTS

(D) The continued use of a wooden hot tub or spa which was installed prior to the effective date of this rule shall be Permitted provided that it is maintained in a sanitary condition. The installation of a wooden hot tub or spa after the effective date of this rule shall not be permitted.

(E) A pool that does not meet the applicable bacteriological quality standards enumerated in Rule 4.10 IAC 6-2 and Rule 675 IAC 20, as amended, shall be deemed a health hazard and shall constitute grounds for closure.

(F) Bacteriological sampling shall start at least three days prior to the opening of a swimming pool. --- ----

(G) All circulated water in a spa and hot tub shall go through a filtration system and an erosion type mechanical chemical feeder prior to injection into the spa or hot tub.

(H) When chlorine is used in a spa or hot tub, a free chlorine residual of at least three (3.0) mg/l shall be maintained throughout the spa or hot tub water. When other halogens are used, residuals of equivalent disinfecting strength shall be maintained. When other residue disinfectant level falls below the minimum designated level, the public spa or hot tub shall be closed and kept free of bathers until the minimum level has been restored.

(I) The temperature of a spa or hot tub shall not exceed one hundred four degrees fahrenheit (104F) or forty degrees celsius (40C.) A thermometer capable of accurately measuring temperatures in the range of eighty degrees fahrenheit (80F) or twenty seven degrees celsius (27C.) to one hundred twenty degrees fahrenheit (120F) or forty nine degrees celsius (49C.) shall be provided at each spa or hot tub facility. The thermostat controlling the water temperatures of a spa or hot tub shall be located in such a way that it cannot be adjusted by customers while seated in the spa or hot tub.

(J) Visible dirt at the bottom of a spa or hot tub shall be removed every twenty four hours or more frequently as required. Scum or floating matter on a spa or hot tub surface shall be removed continuously by skimming, flushing, or other effective means. A spa or hot tub shall be drained and scrubbed with a disinfectant agent at least once every two weeks or more frequently if there are indications of poor water quality or clarity. The deck and cover of a spa or hot tub shall be cleaned and scrubbed with a disinfecting agent at least once every week. Such disinfecting agent shall be compatible with other pool chemicals used and have a concentration when applied which is equivalent to one hundred (100) mg/l available chlorine.

Daily operating records shall be maintained and recorded each day while the spa or hot tub is open for use. It shall include the following: total bather loads, water temperature, volume of fresh water added, operating periods of recirculating pumps and filters and corresponding rate of flow meter readings, amounts and types of chemicals used, disinfectant residual, pH readings, maintenance and malfunction of equipment, if any, results of bacteriological examinations and reports of accidents, injuries, illness or complaints related to spa or hot tub operation. Operators shall keep daily operating records for a minimum of one year. Daily operating records shall be open to inspection by the Health Commissioner and weekly summaries of these records shall be submitted to the Department on forms prepared by the Health Commissioner.

Section 156.32 of Chapter 156, Title 15 of the City of Fort Wayne, Indiana, Code of Ordinances be amended as follows:

Henry, Lunsey, Ravine, Schmidt  
NAYS: None  
ABSENT: None  
ABSTAINED: None  
DATED: 12-3-96

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-29-96 on the 3rd day of December, 1996.

ATTEST

Sandra E. Kennedy  
City Clerk

D.J. Schmidt  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 4th day of December, 1996, at the hour of 11:45 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1996, at the hour of 3:30 o'clock P.M., E.S.T.

Paul Helmke  
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance G-29-96, passed by the Common Council on the 3rd day of December, 1996, and that said Ordinance was duly signed and approved by the Mayor on the 5th day of December, 1996, and now remains on file and on record in my office.

WITNESS my hand and official seal of the City of Fort Wayne, Indiana, this 5th day of December, 1996.

SANDRA E. KENNEDY, CITY CLERK  
#329814 (PART 2 OF 2) #223

12-16



FW COMMON COUNCIL  
(Governmental Unit)

To: The News-Sentinel Dr.  
P.O. Box 100  
Fort Wayne, IN

ALLEN County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines  
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Body -- number of lines  
Tail -- number of lines  
Total number of lines in notice

COMPUTATION OF CHARGES

245 lines, 1 columns wide equals 245 equivalent lines  
at .346 cents per line \$ 84.77  
Additional charge for notices containing rule or tabular work (50 percent of above amount)  
Charge for extra proofs of publication (\$1.00 for each proof in excess of two) 1.00  
TOTAL AMOUNT OF CLAIM \$ 85.77

DATA FOR COMPUTING COST

Width of single column 12.5 ems  
Number of insertions 1  
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: DEC 16, 19 96 Title: Julie L Smith Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana )  
) ss:  
Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L SMITH who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:

12-16-96

Julie L Smith  
Subscribed and sworn to before me this 16th day of DEC, 19 96.  
Mary L Schneider  
Notary Public

MARY L SCHNEIDER  
NOTARY PUBLIC STATE OF INDIANA  
ALLEN COUNTY  
MY COMMISSION EXP JUNE 14, 1997

free throws with one second remaining to give West Noble the victory. Kavanaugh finished with 20 points.  
Fremont 63, Hamilton 58 (OT): After being outscored 18-4 in the fourth quarter to force the overtime, Fremont made 10 of 12 free throws in the extra period.  
Jon Cross led Fremont with 14 points, while Rac Coffey had 18 for Hamilton.  
Blackhawk Christian 63, (at) Prairie Heights 35: Jay Sefton scored a game-high 21 points as Blackhawk Christian evened its record at 3-3.  
Brandon Blankenship led Prairie Heights (0-5) with 12 points.  
(At) Eastside 57, Churubusco 47: Hank Ochoa scored 21 points to lead Eastside (3-3) past Churubusco.  
Todd Fleetwood scored 21 for Churubusco.  
Marion 37, Huntington North 33: Huntington North's Justin Baker and Kyle Hoopingarner each scored